

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE MARCH 30, 2005

**SENATE BILL**

**No. 158**

**Introduced by Senator Machado**

February 8, 2005

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An act to amend Section 8230 of the Government Code, and to amend Section 4401 of the Probate Code, relating to powers of attorney.

LEGISLATIVE COUNSEL'S DIGEST

SB 158, as amended, Machado. Powers of attorney: social security numbers.

(1) ~~Under existing law, if a notary public executes a jurat and the statement sworn or subscribed to is contained in a document purporting to identify the affiant, and includes the birthdate or age of the person and other specified items, the notary public is required to have the person verify the birthdate or age by showing either a certified copy of the person's birth certificate or an identification card or driver's license.~~

~~This bill would require a notary public, if executing a jurat and the statement sworn as subscribed to is in a Statutory Form Power of Attorney, to require the person to verify his or her identity by showing both an identification card or driver's license or other government-issued identification and the affiant's social security card or other document bearing the name and social security number of the affiant, as specified.~~

(2) ~~The Uniform Statutory Form Power of Attorney Act establishes the procedures by which a person may appoint another person as his or her agent with various powers over property, business, estate, trust, and other decisions. Existing law sets forth a statutory form to be used~~

for granting power of attorney and this form includes a line requiring the social security number of the person designating power of attorney.

This bill would delete that line for the social security number ~~and instead would replace it with a line for a notary public to place the last 4 digits of a person's social security number.~~ *The bill would also include a statement on the form that a third party may seek identification.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 8230 of the Government Code is~~  
2     ~~amended to read:~~

3     ~~8230. (a) If a notary public executes a jurat and the statement~~  
4     ~~sworn or subscribed to is contained in a document purporting to~~  
5     ~~identify the affiant, and includes the birthdate or age of the~~  
6     ~~person and a purported photograph or finger or thumbprint of the~~  
7     ~~person so swearing or subscribing, the notary public shall~~  
8     ~~require, as a condition to executing the jurat, that the person~~  
9     ~~verify the birthdate or age contained in the statement by showing~~  
10    ~~either:~~

11    ~~(1) A certified copy of the person's birth certificate, or~~  
12    ~~(2) An identification card or driver's license issued by the~~  
13    ~~Department of Motor Vehicles.~~

14    ~~For the purposes of preparing for submission of forms required~~  
15    ~~by the United States Immigration and Naturalization Service, and~~  
16    ~~only for such purposes, a notary public may also accept for~~  
17    ~~identification any documents or declarations acceptable to the~~  
18    ~~United States Immigration and Naturalization Service.~~

19    ~~(b) If a notary public executes a jurat and the statement sworn~~  
20    ~~or subscribed to is contained in a Statutory Form Power of~~  
21    ~~Attorney described in Section 4401 of the Probate Code~~  
22    ~~purporting to identify the affiant, the notary public shall require,~~  
23    ~~as a condition to executing the jurat, that the person verify his or~~  
24    ~~her identity by showing both of the following:~~

25    ~~(1) An identification card or driver's license issued by the~~  
26    ~~Department of Motor Vehicles or other identification issued by a~~  
27    ~~government authority bearing the photograph of the affiant.~~

1   ~~(2) The affiant's social security card issued by the United~~  
2   ~~States Social Security Administration or other document bearing~~  
3   ~~the name and social security number of the affiant, such as an~~  
4   ~~employer certification or paystub.~~

5   ~~The notary public shall place the last four digits of the affiant's~~  
6   ~~social security number on the line provided for this purpose by~~  
7   ~~the Statutory Form Power of Attorney.~~

8   ~~SEC. 2.—~~

9   ~~SECTION 1.~~ Section 4401 of the Probate Code is amended to  
10 read:

11   4401. The following statutory form power of attorney is  
12 legally sufficient when the requirements of Section 4402 are  
13 satisfied:

1  
2 NOTE TO PRINTING OFFICE: INSERT CAMERA-READY  
3 COPY HERE  
4 for Uniform Statutory Form Power of Attorney  
5 as printed on Pages 20 to 22 of Chapter 307, 1994 Statutes.



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1     *PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE*  
2     *INSERTED*

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